

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gomes *et al.*

Application No.: 10/588,811

Int'l Filing Date: February 9, 2005

For: **System and Method Using  
Enhanced Authorization Data to  
Reduce Travel-Related  
Transaction Fraud**

Confirmation No.: 3994

Art Unit: *To Be Assigned*

Examiner: *To Be Assigned*

Atty. Docket: 2348.0130001

**Response to Notification of Missing Requirements Under 35 U.S.C. § 371**

*Attn: Mail Stop PCT*

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

A Notification of Missing Requirements was issued in the above-captioned application on April 9, 2007. Receipt of the declaration was confirmed in the list of submitted items included on the first page of the Notification. However, the Notification also indicated that an oath or declaration of the inventors in compliance with 37 C.F.R. § 1.497(a) and (b) needed to be filed. Specifically, the Notification indicated that the current declaration was not executed in accordance with either 37 C.F.R. § 1.66 or 37 C.F.R. § 1.68.

Applicants respectfully traverse the issuance of this Notification. 37 C.F.R. § 1.68 requires a statement in the declaration signed by the inventor indicating that "willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing thereon." 37 C.F.R. § 1.68 further states that the body of the declaration must indicate

"that all statements made of the declarant's own knowledge are true and that all statements made on information and belief are believed to be true."

In the present application, the declaration signed by all the inventors includes the following language on each page:

"I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon."

Applicants cannot determine any colorable difference between the language required by 37 C.F.R. § 1.68 and the language included in the executed declaration. If there is specific language in the executed declaration that is objectionable or missing, Applicants request the Examiner to particularly point out such language.

To the extent that the declaration was rejected for not identifying the application by the International Application Number (IAN) and international filing date (IFD), Applicants note that the original executed declaration was filed in the parent PCT application (Int'l Application No. PCT/US2005/004135) on the filing date of the PCT application. Such execution and filing occurred before the IAN and IFD were assigned; accordingly, the IFN and IFD could not be included on the originally filed declaration. A copy of this same declaration was filed with the national phase documents in the filing paperwork for the instant application on August 9, 2006. This transmittal can be confirmed by reviewing the Image File Wrapper (IFW) in PAIR. The declaration is erroneously listed as "Documents submitted with 371 applications," but nonetheless exists in the record (see, Exhibit A attached hereto, p. 2).

Applicants note that several telephone calls between May 8, 2007, and May 23, 2007, to the Examiner of record, Lamont M. Hunter, went unreturned. As the Examiner was non-responsive, Applicants contacted the PCT Help Desk on May 23, 2007. Receipt of the declaration by the USPTO was confirmed with Benny Lee of the PCT Help Desk, who also confirmed that the declaration appeared to be in order. Mr. Lee indicated that the Notification of Missing Requirements was issued in error, and suggested that Applicants file a response pointing to the copy of the declaration in the original filing.

Accordingly, Applicants submit a copy of the previously-submitted declaration herewith.

As the declaration was timely submitted, it is Applicants' understanding that the surcharge for late submission of the declaration does not apply. However, in case the Applicants' understanding is in error, Applicants hereby authorize the U.S. Patent and Trademark Office to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: June 11, 2007

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**System and method using enhanced authorization data to reduce travel-related transaction fraud**

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## Available Documents

Mail Room Date	Document Description	Document Category	Page Count
04-09-2007	Missing Notice of DOEQ Requirements Mailed	PROSECUTION	2
11-13-2006	Notice of Change in Address placed in File Wrapper due to EBC Customer Number update	PROSECUTION	1
08-09-2006	Transmittal of New Application	PROSECUTION	3
08-09-2006	Fee Worksheet (PTO-06)	PROSECUTION	1
08-09-2006	Information Disclosure Statement (IDS) Filed	PROSECUTION	4
08-09-2006	NPL Documents	PRIOR ART	5
08-09-2006	Application Data Sheet	PROSECUTION	4
08-09-2006	Authorization for Extension of Time all replies	PROSECUTION	1
08-09-2006	Documents submitted with 371 Applications	PROSECUTION	2
08-09-2006	Specification	PROSECUTION	11

EXHIBIT A

08-09-2006	Claims	PROSECUTION	5	<input type="checkbox"/>
08-09-2006	Drawings	PROSECUTION	4	<input type="checkbox"/>
08-09-2006	Documents submitted with 371 Applications	PROSECUTION	2	<input type="checkbox"/>
08-09-2006	Certified Copy of Foreign Priority Application	PROSECUTION	14	<input type="checkbox"/>
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08-09-2006	Miscellaneous Internal Document	PROSECUTION	1	<input type="checkbox"/>
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